

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

SHANNON O. MURPHY ESQ. SR., dba  
SHEETMETAL & ASSOCIATES,

Plaintiff,

v.

HERSHEY CHOCOLATE  
CORPORATION,

Defendant.

No. 2:20-cv-01550-KJM-AC

ORDER TO SHOW CAUSE

Plaintiff, who is proceeding in pro se, has filed an application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. ECF No. 2.

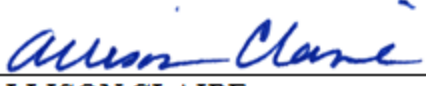
The federal venue statute provides that a civil action “may be brought in (1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) if there is no district in which an action may otherwise be brought as provided in this action, any judicial district in which any defendant is subject to the court’s personal jurisdiction with respect to such action.” 28 U.S.C. § 1391(b).

In this case, plaintiff resides in Pittsburg, CA (Contra Costa County), and the substance of his claim appears to be injury by the ingestion of Hershey’s chocolate. ECF No. 1 at 3. The

1 residency of the defendant is not alleged. The undersigned believes this case should have been  
2 filed in the Northern District of California. In the interest of justice, a federal court may transfer a  
3 complaint filed in the wrong district to the correct district. See 28 U.S.C. § 1406(a); Starnes v.  
4 McGuire, 512 F.2d 918, 932 (D.C. Cir. 1974).

5 Accordingly, Plaintiff is ORDERED TO SHOW CAUSE within 14 days why this case  
6 should not be transferred to the Northern District of California.

7 DATED: August 4, 2020

8   
9 ALLISON CLAIRE  
10 UNITED STATES MAGISTRATE JUDGE  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28